

Assessment of Biogeographical Factors in Setting the Legal Regime in Caspian Sea

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Abstract

The Caspian Sea is the largest water basin enclosed by land within Eurasia continent. This sea that referred to Caspian in the global map has strategic importance because of oil and gas storage and caviar fish. The most important problem originated in bio geographical parameters is the lack of a determinate legal regime. According to the 1982 convention, only the littoral states are responsible for establishing of the closed sea Legal regime. The lack of consensus on which delimitation is suitable, Caspian has turned into one of the critical areas. One of these crises is the environmental problems. Economic problems of the newly established countries, cause the excessive use of marine resources, particularly oil and gas. Poor technology and lack of independent environmental monitoring of regional and global organizations have led to the failure to comply with the standards required for the exploitation and transportation of oil and gas resources. In addition, various contaminants are severely threatening the Caspian Sea life. Therefore, in the present study, the role of bio geographical factors in setting the regime right in the Caspian Sea from the perspective of the political geography of the sea was investigated using the librarian research. Factors that threaten the Caspian Sea bio geographical play an important role in determining the legal regime and include oil pollution, ship and floating population (urban, rural), industrial facilities, artificial islands, environmental contaminants and rivers were evaluated in accordance with the 1982 Convention and also due to the geographical conditions of the Caspian Sea. The results show that the countries of Azerbaijan, Russia, Kazakhstan and Turkmenistan produce more oil pollution and setting the regime right in the Caspian sea is likely to oppose their activities. However, after Russia and Kazakhstan, Iran has most polluted rivers, but due to the beaches damage caused by oil pollution agrees to determine the pollution deterrent legal regime of the Caspian Sea.

Keywords: Caspian Sea, Legal regime, pollutant, Biogeography, the sea convention.

Introduction

The Caspian Sea is the largest water basin which enclosed by land within Eurasia continent. The Caspian Sea is unique in many reasons: the large deposits of oil and gas, valuable fishery resources; including 90% of the world's stock of sturgeon, important transportation routes; connecting the European part of Russia, Transcaucasia and Central Asia and significant geopolitical situation. Caspian Sea is bordered by Russia in north, Iran in south, Azerbaijan in west and Turkmenistan and Kazakhstan in east. The unexampled characteristics of the Caspian Sea has led to having a problematic identity and stopped its prepared legal classification. It has alternatively been called a lake, an enclosed sea, a closed sea, a semi closed sea, a sea, an inland sea and finally, a "unique body of water." The term "enclosed sea" shall refer to a small body of inland waters surrounded by two or more States which is connected to the open seas by a narrow outlet. Based on the maritime law view point, the legal status of the Caspian Sea should also be determined when the coastal states factually recognized which body of law applies to delimitation of the waters and the resources of the subsoil. In this regard, bio-

geographical parameters are considered as one of the most important factors to determine a legal regime. These parameters applied in different sea conventions particularly in the Law of the Sea 1982. Some important factors are included as: oil pollutions, ship, population (municipal and rural), industrial factories, artificial islands and biological and river pollutions. Since, these factors threaten marine living resources could be considered as critical factors to establish a legal regime and coastal States to utilize these resources. Therefore, the present study aimed to determine the bio geographical factors roles in establishment of legal regime in the Caspian Sea.

Materials and methods

This article is a descriptive-analytic study based on library research. In this library research documents and the analysis of their contents such as regulations and rules, maps, satellite pictures, geographical data systems, and census soft wares came to be made use.

Results and discussion

Caspian Sea enclosed by lands and has unique marine ecosystems. In addition, not only high pollution resources in Caspian Sea but also the geographical nature of this sea lead to pollution accumulation and threaten its ecosystem. Therefore, enclosed and problem in pollution refining and persistence in current conditions lead to some biological problems such as decline in animal species, marine ecosystem change, irregular prey, sea pollution. It seems that the most important way to prevent these limitations is accepting of international environmental conventions by coastal States. Also, it is necessary to agree with establishment of legal regime in Caspian Sea as an enclosed sea. Up to date different environmental conventions build on before and after Soviet Union collapse, however, these conventions had not enough efficiency. First, the Caspian Sea is very sensitive to different pollutions because of its geographical conditions. Second, environmental conventions between Coastal States are more than total conventions but these conventions are not indispensable and are considered as a protocol. The only way to solve this problem is stewardship of international organizations on environment issues. However, all activities of the Caspian Sea such as shipping, marine scientific researches, marine exploration and etc. are under 1982 convention and particularly in articles 123. It seems that these factors must leads to Coastal States tendency to cooperate with together in natural and marine resources conservation and management, scientific research, biological resources exploration and utilization. Furthermore, this convention recommends environmental roles beside of only recommendation and force the Coastal States to accept them.

Conclusion

The unique biodiversity of the Caspian Sea being universally symbolized along with its international lagoons, jungles, rivers, animal and plant species has gradually declined its ecological ability under the ever increasing pressure of threats. Since the environmental issues are globally significant and overcoming the environmental crisis is beyond the capability of a country or nation alone, thus all countries and nations should participate and cooperate with one another in this regard. Therefore, in the relations among the countries, the environmental issues have joined with those of geopolitical ones playing a fundamental role in controversies and compromises of the countries. In this regard, after the collapse of the Soviet Union in 1991 and appearance three new countries (Azerbaijan, Kazakhstan Turkmenistan), explorations in the Caspian, oil and gas exploitation of the basin and the unsystematic use of its resources made the regional countries face new environmental dangers which have significantly affected their geopolitical relations. Nowadays doesn't have any substantial legal regime to protect the Caspian Sea environment which acceptable and applicable by coastal countries because the existing legal regime, which is based on the Russian Socialist Federal Republic and Persia (after 1935, Iran) on 26 February 1921, is not adequate to cope with today's environmental and etc. problems. The lack of resolution has resulted in a tragedy of the Commons, where petroleum

production and overfishing are contributing to the environmental degradation of this valuable natural resource.

In conclusion, the Caspian Sea pollution divided to some categories: pollution originated from rivers of Russia, Kazakhstan, Iran, Azerbaijan and Turkmenistan ranked from first to fifth. Pollutions originated from oil industry ranked by Azerbaijan, Kazakhstan, Russia, Turkmenistan and Iran. Pollution originated from population ranked by Iran, Azerbaijan, Russia, Kazakhstan, and Turkmenistan. In spite of various conventions about environmental issues and legal laws of 1982 conventions, it seems that these conventions have not a necessary force for States to undertaking these particles. These conventions must be guaranty by involved Coastal States. Findings of the present study indicated that Azerbaijan, Russia, Kazakhstan, and Turkmenistan produced the maximum oil pollution. These countries prohibit for establishing a legal regime in Caspian Sea. Also, Iran after Russia and Kazakhstan produced the highest river pollution, however, would like to a legal regime to prohibit sea pollution.